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140120Z Nov 01

2001HANOI02964 - CONFIDENTIAL

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ACTION EAP-00

INFO	LOG-00	NP-00	AID-00	AMAD-00	CIAE-00	DODE-00	SRPP-00
	DS-00	EB-00	FBIE-00	VC-00	H-01	TEDE-00	INR-00
	IO-00	L-00	VCE-00	AC-01	NSAE-00	NSCE-00	OIC-02
	OMB-01	OPIC-01	PA-00	PC-01	PM-00	PRS-00	ACE-00
	P-00	SP-00	STR-00	TRSE-00	USIE-00	R-00	PMB-00
	DSCC-00	PRM-00	DRL-02	G-00	NFAT-00	SAS-00	/009W

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FM AMEMBASSY HANOI  
TO SECSTATE WASHDC 4661  
INFO ASEAN COLLECTIVE  
USCINCPAC HONOLULU HI

C O N F I D E N T I A L SECTION 01 OF 03 HANOI 002964

SIPDIS

STATE FOR EAP/BCLTV

E.O. 12958: DECL: 11/06/06

TAGS: [PGOV](#) [PHUM VM DPOL](#)

SUBJECT: THE EVOLVING ROLE OF LOCAL LEGISLATURES

REF: HANOI 2885

1. (U) CLASSIFIED BY ROBERT C. PORTER, JR., CHARGE  
D'AFFAIRES, A.I., REASON: 1.5 (D)

2. (C) SUMMARY. THE GVN IS EMBARKED UPON A COURSE TO  
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STRENGTHEN THE POWERS OF LOCAL LEGISLATURES BUT IS  
HAMPERED BY ITS OWN TRADITION OF "DEMOCRATIC  
CENTRALISM" AND BY RESOURCE AND PERSONNEL CONSTRAINTS  
AT THE GRASSROOTS LEVEL. LOCAL OFFICIALS ARE PROUD OF  
THE GREATER ROLES THEIR LEGISLATIVE BODIES HAVE GAINED  
OVER THE PAST DECADE BUT ADMIT THAT LITTLE GENUINE  
DEVOLUTION OF POWER IS IMMINENT. END SUMMARY.

HANOI'S VIEW ON DEVOLUTION

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3. (U) THE 1992 SRV CONSTITUTION EXPLICITLY  
DESIGNATES PEOPLE'S COUNCILS -- WHICH EXIST ON THE  
PROVINCIAL, DISTRICT, AND TOWNSHIP LEVELS -- AS THE  
"LOCAL ORGAN OF STATE POWER" REPRESENTING THE "WILL,  
ASPIRATIONS, AND MASTERY OF THE PEOPLE." WHILE THEY  
ARE MORE ACCURATELY REPRESENTATIVE BODIES RATHER THAN  
LEGISLATIVE ENTITIES, THEY FIT INTO VIETNAM'S  
LEGISLATIVE SYSTEM UNDER THE NATIONAL ASSEMBLY. THEIR  
LOCAL COUNTERPARTS ARE THE PEOPLE'S COMMITTEES, WHICH  
REPRESENT THE ADMINISTRATIVE POWER OF THE STATE ON  
THESE SAME LEVELS. A 1994 "LAW ON ORGANIZATION OF THE  
PEOPLE'S COUNCIL AND THE PEOPLE'S COMMITTEE" AND A 1996  
"ORDINANCE ON THE CONCRETE TASKS AND POWERS OF THE  
PEOPLE'S COUNCIL AND PEOPLE'S COMMITTEE AT EACH LEVEL"  
FURTHER SPELLED OUT THEIR RESPECTIVE DUTIES VIS-A-VIS  
LOCAL DECISION-MAKING AND SUPERVISION. A USD 1.3  
MILLION UNDP PROJECT HAS BEEN UNDERWAY SINCE 1999 ON  
"STRENGTHENING REPRESENTATIVE BODIES, WITH FOCUS ON  
PROVINCIAL PEOPLE'S COUNCIL." ITS TARGET HAS BEEN  
PRIMARILY HOW THIS GOAL MIGHT BE ACCOMPLISHED IN THREE  
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PILOT AREAS -- HAIPHONG CITY, NGHE AN PROVINCE AND BINH  
DUONG PROVINCE.

4. (C) IN ADVANCE OF AN OCTOBER 25-NOVEMBER 2 TRIP  
ALONG NATIONAL HIGHWAY ONE TO DISCUSS THIS AND OTHER  
ISSUES (SEPTELS) WITH PROVINCIAL OFFICIALS, POL/C MET  
ON OCTOBER 23 WITH DR. NGUYEN SI DUNG, DIRECTOR OF THE  
NATIONAL ASSEMBLY'S CENTER FOR INFORMATION, LIBRARY AND  
RESEARCH SERVICES AND CONCURRENTLY THE COORDINATOR OF  
THE UNDP PROJECT. DUNG CLAIMED THAT EVEN HO CHI MINH  
HAD BEEN COMMITTED TO THE PRINCIPLE OF DEMOCRACY, BUT  
ADMITTED THAT ONLY IN THE PAST DECADE HAS THE SRV BEEN  
"RETURNING" TO THIS PRINCIPLE AND SEEKING TO ENHANCE  
THE "RULE OF LAW," BASED ON THE 1992 CONSTITUTION AND A  
GROWING LEGAL FRAMEWORK. HE NOTED THAT THIS PROCESS  
WOULD "CLEARLY NEED TIME" AND WOULD NOT MIRROR THE US  
SYSTEM, BUT WAS NONETHELESS NECESSARY TO MAKE VIETNAM  
"MORE SUCCESSFUL" IN THE FUTURE. HE COMPARED VIETNAM'S

EFFORTS TO BALANCE ECONOMIC AND POLITICAL DEVELOPMENT TO "RIDING A BICYCLE" -- EASY TO FALL OVER IF THE EXACT BALANCE IS NOT MAINTAINED.

15. (C) DUNG NOTED THAT WHILE VIETNAM'S REPRESENTATIVE DEMOCRACY WAS MORE INDIRECT THAN THE US MODEL, THE SRV WAS NOW COMMITTED TO "PUTTING MORE SUBSTANCE IN THE STRUCTURE" OF BOTH THE NATIONAL ASSEMBLY AND THE PEOPLE'S COUNCILS. HE EXPLICITLY REFERRED TO THIS PROCESS AS "DEVOLUTION OF POWER" (PHAN QUYEN), WITH THE NATIONAL ASSEMBLY INCREASINGLY "SHARING" ITS POWER WITH THE LOCAL COUNCILS. HE SAID THAT DILEMMA NOW -- WHICH THE UNDP PROJECT HELPS TO ADDRESS -- IS HOW TO  
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DETERMINE THE "BEST FORMULA" AND TIMING. HE CLAIMED THAT THERE WOULD BE "CHAOS" IF THERE WERE A "LUMP SUM" DEVOLUTION OF POWER, AND THAT CENTRAL AUTHORITIES SOMETIMES EVEN HAD A HARD TIME "CONVINCING" LOCAL AUTHORITIES TO ACCEPT GREATER RESPONSIBILITY. HE CITED THE MAJOR CONSTRAINTS TO THIS PROCESS AS THE AVAILABILITY OF FULL-TIME STAFF FOR THESE BODIES AND THE CAPACITY OF THE DEPUTIES THEMSELVES.

16. (C) ACCORDING TO DUNG, LOCAL COUNCILS HAD VIRTUALLY NO POWERS IN THE PAST, NOR DID THEY HAVE MUCH ACCESS TO LOCAL REVENUES. PRIORITY EFFORTS NOW WILL BE ON GRANTING PEOPLE'S COUNCILS MORE AUTHORITY, ESPECIALLY OVER BUDGET AND PERSONNEL DECISIONS. HE ADMITTED THAT THERE WAS A RISK THAT THE LOCALITIES WOULD USE THIS INCREASED AUTHORITY "UNWISELY." HE NOTED THAT THE PROCESS OF DEVOLUTION WAS NOT IRREVERSIBLE IF EXPERIENCE SHOWED THAT IT HAD NOT BEEN "SUCCESSFUL." FOR THE TIME BEING, HOWEVER, THE CLEAR "HOPE" OF THE SRV WAS THAT DEVOLUTION WOULD CONTINUE AND BENEFIT BOTH LOCAL AND NATIONAL INTERESTS.

VIEW FROM THE PROVINCES  
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17. (C) ACCORDING TO BINH THUAN PROVINCIAL CHAIRMAN HUYNH TAN THANH, NO NEW POLICY OF "DEVOLUTION" WAS UNDERWAY, ALTHOUGH THE PROVINCIAL PEOPLE'S COUNCIL HAD BEEN GAINING MORE AND MORE AUTHORITY EVERY YEAR OVER THE PAST DECADE. KHANH HOA PROVINCIAL CHAIRMAN PHAM  
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VAN CHI NOTED THAT THE BASIC ROLE OF THE PEOPLE'S COUNCIL REMAINED TO CONVEY THE OPINIONS OF "THE PEOPLE" TO THE PROVINCIAL COMMITTEE. KHANH HOA PEOPLE'S COUNCIL VICE CHAIRMAN DR. LE XUAN THAN SAID THAT WHAT WAS UNDERWAY WAS NOT SO MUCH "DEVOLUTION" AS "STRENGTHENING" (TANG CUONG) THE ROLE OF THE COUNCILS SO THAT THEY CAN BETTER "ANSWER TO THE PEOPLE." HE EXPLAINED THAT THE PEOPLE'S COUNCIL HAS HAD THE RESPONSIBILITY OF EXAMINING AND APPROVING THE PROVINCIAL BUDGET SINCE 1992, SUBJECT TO NATIONAL ASSEMBLY REVIEW. BEGINNING IN 2002, HE SAID, THE PROVINCIAL COUNCIL WILL HAVE EVEN MORE INDEPENDENT AUTHORITY.

18. (C) THE VICE CHAIRMAN OF BINH DINH PROVINCE'S PEOPLE'S COUNCIL SEPARATELY NOTED THAT "ELEVATING" THE POWERS OF THE COUNCILS AT PROVINCIAL, DISTRICT AND TOWNSHIP LEVELS WAS IMPORTANT, BUT HE MAINTAINED THAT THEY TECHNICALLY HAD THE POWER TO "DECIDE" BUDGET AND PERSONNEL ISSUES ALREADY. HE NOTED THAT THE COUNCILS WERE MORE INTENT ON STRENGTHENING THEIR "INVESTIGATIVE" ROLES, ESPECIALLY CONCERNING THE ACTIVITIES OR DECISIONS OF THE PEOPLE'S COMMITTEES. (COMMENT: THERE IS SOME OVERLAPPING OF SEATS, WITH SOME PEOPLE'S COMMITTEE MEMBERS OR LEADERS SIMULTANEOUSLY SERVING AS PEOPLE'S COUNCIL MEMBERS OR LEADERS, MAKING SUCH ENHANCED OVERSIGHT FRAUGHT WITH DIFFICULTIES. END COMMENT)

19. (C) QUANG NAM PROVINCIAL VICE CHAIRMAN HO THI THANH LAM ALSO INSISTED THAT THERE WAS NO SIGNIFICANT  
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CHANGE TO THE AUTHORITY OF THE PEOPLE'S COUNCIL REGARDING BUDGETARY AFFAIRS, EXCEPT THAT REPORTING REQUIREMENTS TO THE CENTER WERE FEWER NOW. THE VICE CHAIRMAN OF QUANG BINH'S PROVINCIAL PEOPLE'S COUNCIL NOTED, HOWEVER, THAT THE NATIONAL ASSEMBLY AND STATE WERE COMMITTED TO "STRENGTHENING THE POWERS" OF THE COUNCILS. HE ADDED THAT, BEGINNING IN 2002, THE NATIONAL ASSEMBLY WOULD ONLY CONCERN ITSELF WITH THE NATIONAL BUDGET AND WOULD ENTRUST BUDGETARY AUTHORITY TO THE PROVINCIAL, DISTRICT, AND TOWNSHIP COUNCILS FOR THEIR AREAS.

10. (C) NGHE AN PROVINCIAL VICE CHAIRMAN HOANG TY SEPARATELY SAID THAT PEOPLE'S COUNCILS WOULD HAVE "MORE POWER IN ALLOCATING FUNDS" BEGINNING IN 2002 BUT MAINTAINED THAT THE COUNCILS ALREADY HAD THE LEGAL RESPONSIBILITY TO APPROVE BUDGETS. HE NOTED THAT THE COMPLEXITY ON THIS ISSUE STEMS IN PART FROM HAVING SO MUCH OF LOCAL BUDGETS IN THE FORM OF SALARIES FOR OFFICIALS -- WHICH ARE FIXED BY THE CENTER BUT TECHNICALLY PAID OUT OF LOCAL BUDGETS -- OR MANDATED BY THE CENTER FOR NATIONAL PROJECTS SUCH AS ROAD BUILDING OR EDUCATION.

HOW THE PROVINCIAL COUNCILS ACTUALLY WORK  
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11. (U) LIKE THE NATIONAL ASSEMBLY, THE PROVINCIAL COUNCILS ARE NOT FULL-TIME BODIES; ALMOST ALL REPRESENTATIVES HAVE OTHER JOBS. THEY, AS WELL AS THEIR COUNTERPARTS ON THE DISTRICT AND TOWNSHIP LEVEL, CONFIDENTIAL

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ARE EXPECTED TO SPEND TIME IN-BETWEEN MEETINGS TO CANVASS LOCAL OPINION IN ORDER TO BE ABLE ACCURATELY TO "EXPRESS THE WILL OF THE PEOPLE." THE NUMBER OF REPRESENTATIVES IS BASED ON POPULATION SIZE AND IS ADJUSTED EVERY FIVE YEARS, THE TERM OF OFFICE FOR PROVINCIAL REPRESENTATIVES. THIS TERM IS NOT CONCURRENT WITH THE NATIONAL ASSEMBLY, WHICH WILL HOLD NEW ELECTIONS IN 2002. MOST PROVINCES ALONG ROUTE ONE WILL HAVE THEIR NEXT ELECTIONS FOR PEOPLE'S COUNCILS IN 2004. MOST OF THESE PROVINCES HAVE BETWEEN 40-50 REPRESENTATIVES IN THE PROVINCIAL COUNCILS, ALTHOUGH POPULOUS NGHE AN HAS OVER 80. PROVINCIAL OFFICIALS UNIFORMLY CLAIMED THAT REPRESENTATIVES -- AT LEAST AT THE PROVINCIAL LEVEL -- HAD HIGH EDUCATIONAL QUALIFICATIONS, WITH VIRTUALLY ALL HAVING AT LEAST A HIGH SCHOOL DEGREE AND A LARGE NUMBER WITH UNIVERSITY BACKGROUNDS. THEY ADMITTED THAT THIS IS LESS TRUE AT THE DISTRICT OR TOWNSHIP LEVEL, HOWEVER.

12. (U) PROVINCIAL OFFICIALS DESCRIBED HOW THE ONGOING WORK OF PROVINCIAL COUNCILS IS CARRIED ON BY THE CHAIRMAN AND VICE CHAIRMEN, WHO ARE NOT SUPPOSED TO HOLD THE SAME POSITIONS IN THE PEOPLE'S COMMITTEE (A CHAIRMAN OF A PEOPLE'S COMMITTEE COULD IN THEORY BE AND OFTEN IN REALITY IS A VICE CHAIRMAN OF THE PEOPLE'S COUNCIL, FOR EXAMPLE). IN MOST OF THE PROVINCES ALONG ROUTE ONE, THE PROVINCIAL COUNCILS MEET ONLY TWICE A YEAR. QUANG NAM'S PEOPLE'S COUNCIL BEGAN MEETING FOUR TIMES A YEAR IN 2000, WITH "GOOD RESULTS," ACCORDING TO PROVINCIAL VICE CHAIRMAN LAM. NGHE AN'S PROVINCIAL CONFIDENTIAL

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COUNCIL ALSO HAS BEGUN QUARTERLY MEETINGS. THE VICE CHAIRMAN OF QUANG BINH'S PROVINCIAL COUNCIL CLAIMED THAT THERE WAS OFTEN "HEATED DISCUSSION" AMONG DELEGATES DURING ITS SESSIONS.

13. (U) ALL PROVINCIAL COUNCILS HAVE COMMITTEES ON ECONOMIC AND BUDGETARY AFFAIRS; CULTURAL AND SOCIAL AFFAIRS; AND JUDICIAL AFFAIRS. THOSE PROVINCES, LIKE NGHE AN, WITH SIGNIFICANT ETHNIC MINORITY POPULATIONS, ALSO HAVE A COMMITTEE ON ETHNIC AFFAIRS. THESE COMMITTEES ARE MADE UP OF REPRESENTATIVES AND TYPICALLY HAVE NO PROFESSIONAL OR FULL-TIME STAFF. ALL PROVINCIAL COUNCILS HAVE A SUPPORT OFFICE, WHICH IN MOST CASES IS SHARED WITH THE PROVINCIAL PEOPLE'S COMMITTEE. OFFICIALS USUALLY CLAIMED THAT THIS SET-UP TENDS TO IMPROVE EFFECTIVE COMMUNICATION BETWEEN THE LEGISLATIVE AND ADMINISTRATIVE BRANCHES. QUANG BINH'S PROVINCIAL COUNCIL SET UP A SEPARATE OFFICE IN 1994, HOWEVER. MOST OFFICIALS ADMITTED THE NEED FOR MORE SUPPORT PERSONNEL FOR THE COUNCILS, WHETHER IN A SHARED OFFICE OR A SEPARATE OFFICE.

14. (C) NGHE AN PROVINCIAL VICE CHAIRMAN TY EXPLAINED THAT A PRIMARY TASK FOR LOCAL COUNCILS IS TO "PROTECT UNITY." TO DO SO NOWADAYS, HE NOTED, REQUIRED THAT THE PEOPLE NEED TO "SEE MORE AND MORE LOCAL POWER," AND THAT THE PEOPLE'S COUNCILS UNDERTAKE MORE MEASURES TO "MAKE SURE THE VOICES OF THE PEOPLE ARE HEARD." HE POINTED TO THE ONGOING "STRUGGLE" TO IMPROVE THE QUALITY OF REPRESENTATIVES AND THEIR PERFORMANCE, PARTICULARLY IN MINORITY AREAS. HE CLAIMED THAT CONFIDENTIAL

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PERHAPS LESS THAN A MAJORITY OF PROVINCIAL REPRESENTATIVES WERE NOW PARTY MEMBERS, SINCE AN UNEXPECTED NUMBER OF PARTY MEMBERS LOST THEIR SEATS IN THE LAST ELECTION DUE TO POPULAR DISSATISFACTION ABOUT THEIR SERVICE. HE INSISTED THAT PARTY MEMBERSHIP WAS LESS IMPORTANT THAN THE ABILITY TO REPRESENT THE PEOPLE ACCURATELY AND WELL. OTHER PROVINCES REPORTED THAT

AROUND 80 PCT OF DELEGATES ARE PARTY MEMBERS, A RATIO SIMILAR TO THAT OF THE NATIONAL ASSEMBLY, ACCORDING TO DR. DUNG.

115. (C) COMMENT: GRASSROOTS DEMOCRACY AS KNOWN IN THE US IS NOT FLOURISHING IN VIETNAM. THE COMMUNIST PARTY'S FIRM POLICY OF DEMOCRATIC CENTRALISM AND ITS LENINIST STRUCTURE MAKE THIS PROSPECT UNLIKELY. HOWEVER, SRV AND VCP AUTHORITIES APPEAR TO RECOGNIZE THE GROWING NEED TO ENLIVEN THE EXISTING CHANNELS FOR EXPRESSION OF LOCAL VIEWS, ESPECIALLY IN LIGHT OF POPULAR AND OFFICIALLY ACKNOWLEDGED DISSATISFACTION OVER CORRUPTION. CENTRAL AUTHORITIES ALSO INCREASINGLY UNDERSTAND THE IMPOSSIBILITY AND NON-DESIRABILITY OF THE CENTER ATTEMPTING TO MAKE ALL DECISIONS DOWN TO THE GRASSROOTS LEVEL. THE ONGOING DEBATE OVER CONSTITUTIONAL AMENDMENTS (SEPTTEL) REFLECT THESE REALITIES, AS WILL PREPARATIONS FOR THE 2002 NATIONAL ASSEMBLY ELECTIONS. IN THE ABSENCE OF SUFFICIENT RESOURCES -- INCLUDING INFORMATION TECHNOLOGY -- AND WELL-TRAINED STAFF AND REPRESENTATIVES, STEPS TOWARD MORE GENUINELY LOCAL AND TRULY REPRESENTATIVE DECISION-MAKING WILL BE TIME-CONSUMING AND COMPLICATED. IT IS ALSO FAR FROM CERTAIN THAT SENIOR LEADERS, ESPECIALLY  
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VCP SECRETARY-GENERAL (AND FORMER CHAIRMAN OF THE NATIONAL ASSEMBLY) NONG DUC MANH, HAVE A CLEAR VISION OF THE EXACT OUTCOME THEY SEEK FROM THE NASCENT PROCESS OF DEVOLUTION OF POWER TO AND/OR STRENGTHENING OF LOCAL REPRESENTATIVE BODIES.  
PORTER

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